

REGULAR**ORDINANCE NO. 22.3**

TITLE: AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF MILPITAS AMENDING CHAPTER 1, TITLE V OF THE MILPITAS MUNICIPAL CODE AND ADDING CITIZENS CORPS DUTIES

HISTORY: This Ordinance was introduced (first reading) by the City Council at its meeting of December 16, 2003, upon motion by Councilmember Livengood and was adopted (second reading) by the City Council at its meeting of January 4, 2003, upon motion by Councilmember _____. Said Ordinance was duly passed and ordered published in accordance with law by the following vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

ATTEST:

APPROVED:

Gail Blalock, City Clerk

Jose Esteves, Mayor

APPROVED AS TO FORM:

Steven T. Mattas, City Attorney

ORDAINING CLAUSE:

THE CITY COUNCIL OF THE CITY OF MILPITAS DOES ORDAIN AS FOLLOWS:

SECTION 1: Section V-1-2.01 of the Milpitas Municipal Code is hereby amended to read as follows:

V-1-2.01 Emergency

As used in this Chapter, “emergency” shall mean the actual or threatened existence of conditions of disaster or of extreme peril to the safety of persons, property and the environment within this City caused by but not limited to, earthquakes, natural, technological or manmade disasters, conditions resulting from war or imminent threat of war, but other than conditions resulting from a labor controversy, which conditions are or are likely to be beyond the control of the services, personnel, equipment, and facilities of this City, requiring the combined forces of other political subdivisions to combat. (Ord. 22.1 (part), 1/19/71)

SECTION 2: Section V-1-3.01 of the Milpitas Municipal Code is hereby amended to read as follows:

V-1-3.01 Membership

The Milpitas Disaster Council/CitizenCorps Council is hereby created and shall consist of the following:

3.01-1 The Mayor, or his/her City Council designee, who shall be chairman.

3.01-2 The Director of Emergency Services (City Manager per V-1-4.01), who shall be vice chairman.

3.01-3 The Chief of Police, the Chief of the Fire Department, and the Director of Public Works

3.01-4 Such other persons or representatives of special districts, civic organizations, local businesses, community based organizations, or other organizations having an official emergency responsibility, as may be appointed by the Mayor with the advice and consent of the City Council. (Ord. 22.1 (part), 1/19/71)

SECTION 3: Section V-1-3.02 of the Milpitas Municipal Code be amended as follows:

V-1-3.02 Powers and Duties

It shall be the duty of the Milpitas Disaster Council/CitizenCorps Council, which Council is hereby empowered, to develop and recommend for adoption by the City Council, emergency and mutual aid plans and agreements based on the Standardized Emergency Management System (SEMS) as defined in the California Code of Regulations, Title 19, Division 2, Sections 2400-2450.

The Disaster Council/CitizenCorps Council shall provide guidance to develop disaster plans, exercises and community action plans, support citizen participation, assist with threat assessments, identify local resources and facilitate multi-agency/inter-agency coordination within its membership and with other local governments and special districts.

The Disaster Council/CitizenCorps Council shall provide oversight for engaging citizens in homeland security, emergency planning and response, and promoting community preparedness and family safety in three principal ways: through public education and outreach, through training, and through volunteer programs that draw upon special skills and interests.

CitizenCorps programs overseen by the Disaster Council/CitizenCorps Council may include one or more of the Federally administered programs including: Community Emergency Response Teams (CERT), Neighborhood Watch Programs, Medical Reserve Corps (MRC), and Volunteers in Police Service (VIPS).

All such volunteer efforts will be integrated into a strategic, comprehensive approach to ensure that the talent and time of volunteers in support of first responders and community preparedness will be effectively utilized.

The Disaster Council/CitizenCorps Council shall meet upon call of the chairman or, in his absence from the City or inability to call such meeting, upon call of the vice chairman. (Ord. 22.1 (part), 1/19/71)

SECTION 4: That Section V-1-4.02 of the Milpitas Municipal Code be amended as follows:

V-1-4.02 Powers and Duties

The Director, or in his/her absence the Assistant Director per V-1-4.04, is hereby empowered to:

4.02-1 Request the City Council to proclaim the existence or threatened existence of a "local emergency" if the City Council is in session, or to issue such proclamation if the City Council is not in session. Whenever a local emergency is proclaimed by the Director, the City Council shall take action to ratify the proclamation within 7 days thereafter or the proclamation shall have no further force or effect.

4.02-2 Request the Governor to proclaim a "state of emergency" when, in the opinion of the director, the locally available resources are inadequate to cope with the emergency.

4.02-3 Develop emergency plans with the assistance of emergency service chiefs for consideration by the Disaster Council/CitizenCorps Council and manage the emergency programs of this City.

4.02-4 Control and direct the effort of the emergency organization of this City for the accomplishment of the purposes of this Chapter.

4.02-5 Direct cooperation between and coordination of services and staff of the emergency organization of this City; and resolve questions of authority and responsibility that may arise between them.

4.02-6 Represent this City in all dealings with public or private agencies on matters pertaining to emergencies as defined herein. (Ord. 22.1 (part), 1/19/71)

SECTION 5: That Section V-1-5.01 of the Milpitas Municipal Code be amended as follows:

V-1-5.01 Membership

All officers and employees of this City, together with CitizenCorps and other volunteer forces enrolled to aid them during an emergency, and all groups, organizations, and persons who may by agreement or operation of law, including persons impressed into service under the provisions of Section 4, paragraph V-1-4.03-3, of this Chapter, be charged with duties incident to the protection of life and property in this City during such emergency, shall constitute the emergency organization of the City of Milpitas. (Ord. No. 22.1, 1/19/71)

SECTION 6: This Ordinance shall become effective _____ () days following its passage and adoption and a summary of this Ordinance shall be published [per City policy].